

AFFIDAVIT IN SUPPORT OF APPLICATION FOR CRIMINAL COMPLAINT

INTRODUCTION

4:22mj49

I, Stacey Sullivan, being duly sworn, hereby depose and state:

1. I am a Special Agent with the United States Department of Justice, Federal Bureau of Investigation (FBI). I have been employed by the FBI as a Special Agent since October 2008. As such, I am an "investigative or law enforcement officer of the United States" within the meaning of Title 18, United States Code, § 2510 (7). That is, I am an officer of the United States, who is empowered by law to conduct investigations regarding violations of United States law, to execute warrants issued under the authority of the United States, and to make arrests of the offenses enumerated in Title 18, United States Code, § 2251 *et seq.* In the course of my duties, I am responsible for investigating crimes which include, but are not limited to, child exploitation and child pornography. I have previously been involved in criminal investigations concerning violations of federal laws. Since joining the FBI, your affiant has received specialized training in human trafficking investigations, identifying and seizing electronic evidence, computer forensics, recovery, and social site investigations.

2. This affidavit supports an application for a criminal complaint charging MICHAEL NICHOLAS COVEY, with the Sexual Exploitation of Children, in violation of Title 18, United States Code, § 2251(a).

3. This affidavit is based upon information that I have gained from my investigation, my training and experience, as well as information gained from conversations with other law enforcement officers. Since this affidavit is being submitted for the limited purpose of securing a

criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that MICHAEL NICHOLAS COVEY, has committed a violation of Title 18, United States Code, § 2251(a).

STATUTORY AUTHORITY AND DEFINITIONS

4. This investigation concerns alleged violations of Title 18, United States Code, § 2251(a), relating to material involving the sexual exploitation of minors. Title 18, U.S.C. § 2251(a) provides that any person who employs, uses, persuades, induces, entices, or coerces, or attempts to do so, any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in or affecting interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, shall be punished as provided under subsection (c), if such person knows or has reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed.

5. The terms "child pornography" and "sexually explicit conduct" are defined in Title 18, United States Code, §§ 2256(8) and (2). The term "child pornography" is defined as "any

visual depiction.....of sexually explicit conduct." The term "sexually explicit conduct" means actual or simulated: sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; bestiality; masturbation; sadistic or masochistic abuse; or lascivious exhibition of the anus, genitals or pubic area of any person.

6. The term "computer," as used herein, is defined pursuant to Title 18, United States Code, § 1030(e)(1), as "an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device."

FACTS AND CIRCIMSTANCES

7. On February 22, 2022, the Hocking County Sheriff's Office (HCSO) received CyberTip 113727034 from the National Center for Missing and Exploited Children (NCMEC). The social media platform Kik filed a complaint with NCMEC that seven images of pubescent females depicting child pornography was disseminated by screen name: xxxbigdxxx (later identified as convicted sex offender R.G.). On February 23, 2022, HCSO called R.G. and requested to meet with him the following day.

8. On February 24, 2022, HCSO met with R.G. and advised him of his *Miranda* rights. R.G. confirmed his Kik screen name and email address. R.G. made a couple of admissions and was placed under arrest by HCSO. On or about the same date, Hocking County Sheriff's Office (HCSO) requested the assistance of FBI Cincinnati to forensically examine electronic evidence seized from a vehicle driven by R.G. and his residence.

9. Between February 25, 2022, and March 10, 2022, pursuant to state search warrants signed in Hocking County, FBI Special Agent Josh Saltar imaged electronic items belonging to R.G.

10. On April 14, 2022, pursuant to a federal search warrant, SA Saltar imaged additional electronic items belonging to R.G.

11. After reviewing the extractions from the imaged items, SA Saltar observed images and video files depicting child pornography and sent the image and video files to NCMEC for possible identification.

12. On June 1, 2022, during the processing of SA Saltar's submission, NCMEC identified two image files and three video files of apparent child exploitation of a prepubescent juvenile female. As of the date of their report, NCMEC was not aware of any law enforcement agency that has identified the child. Through image analysis, NCMEC determined there were possible investigative clues that may lead to the identification of the child or the individual who produced the images and videos. NCMEC determined the images and/or videos may have been produced and/or the depicted child may reside in Newport News, VA based on EXIF metadata associated with the files. NCMEC forwarded the image and video file data to the Southern Virginia Internet Crimes Against Children Task Force in Bedford County, VA.

13. On June 7, 2022, FBI Norfolk was contacted by the Southern Virginia Internet Crimes Against Children Task Force in Bedford County, VA, for assistance with identifying a juvenile female, depicted in several images and videos. The EXIF data from the video files resolved ^{to the property located at} outside [REDACTED]. Based on the EXIF data, it is believed the videos were produced between December 2021 and January 2022.

14. On June 8, 2022, your affiant conducted an open-source check on exifdata.com which defined EXIF data as follows: EXIF data is short for Exchangeable Image File, a format that is standard for storing interchange information in digital photography image files using JPEG compression. Almost all new digital cameras use the EXIF annotation, storing information on the image such as shutter speed, exposure compensation, F number, what metering system was used, if a flash was used, ISO number, date and time the image was taken, whitebalance, auxiliary lenses that were used and resolution. Some images may even store GPS information so one can see where the images were taken.

15. Your affiant reviewed the image and video files and they appear to represent the same prepubescent female. The image and video files are described as follows:

- a. *264.jpg*: This image depicts a pre-pubescent female wearing a green shirt asleep in a bed with purple sheets and a white blanket pulled over her.
- b. *268.jpg*: This image depicts a pre-pubescent female wearing a green shirt and pink shorts appearing to be asleep. Her arms are above her head and the covers are pulled down exposing her thighs.
- c. *0F4F869ED5AD7A52BD882A3746AD9DEA.mov*: This video file is two to three seconds in length and depicts a male masturbating himself towards the face of the pre-pubescent female who is sleeping. She is wearing a green shirt and laying on purple sheets. The female opens her eyes at the end of the video.
- d. *24B1FF78BD351E8866866245E827496A.mov*: This video file is six seconds in length and depicts a male masturbating himself on a child's pink pair of underwear displayed on a green pillow. There is a pre-pubescent female asleep

on the next pillow facing away from the camera, full clothed. The male ejaculates on the underwear.

e. *EBBF73FF7D90E9EA1488116757E34353.mov*: This video file is three seconds in length and depicts a male masturbating himself standing beside a bed where a pre-pubescent female is sleeping. The male appears to be wearing blue pants a black shirt. The female is sleeping on the far side of the bed with her back facing the camera. She is fully clothed. The bed she is laying on has green sheets and a white comforter.

16. The three video files contained EXIF data embedded in the files with geographical coordinates which resolved to "[REDACTED]". Lt. Steven Anders with Bedford County Sheriff's Office queried Google Maps with the coordinates. The query returned a result for what appeared to be a single family residence located at [REDACTED], [REDACTED]. The EXIF data also showed the camera used to create the video files was an Apple iPhone XR with a date of December 30, 2021 and January 2, 2022.

17. On June 7, 2022, FBI Task Force Office Heather Call emailed Newport News Police Department School Resource Officer (SRO) and queried [REDACTED], [REDACTED] for any school aged children residing at the residence. The SRO provided two juvenile student profile sheets, which included photographs of a juvenile male and a juvenile female, date of birth [REDACTED], who resided at [REDACTED]. [REDACTED], cellular telephone number [REDACTED], and Michael Covey, cellular telephone number [REDACTED] were listed as the parents of the children. Michael Covey's listed employer is NNPD (Newport News Police Department).

18. On June 8, 2022, TFO Call and your affiant reviewed the school photograph of the juvenile female and determined it appeared to be the same female depicted in the image and video files received from BCSO.

19. On June 7, 2022, TFO Call and FBI SA Jeff Noel conducted a physical surveillance of [REDACTED] and observed a black SUV bearing Virginia Tags 5448TP, a black truck bearing Virginia Tags UKF-5925 and a Jayco recreational vehicle (RV) parked in the driver and in front of the residence. A check with the Virginia Department of Motor Vehicles provided all vehicles were registered to Michael and [REDACTED], [REDACTED], [REDACTED].

20. On June 8, 2022, your affiant served an administrative subpoena to Verizon Wireless for cellular telephone number [REDACTED]. On the same date Verizon returned the device associated with [REDACTED] as a white Apple iPhone XR 256GB, IMEI: 357347098842499. The subscriber is listed as [REDACTED] and the contact's name is listed as Michael Covey.

21. On June 8, 2022, your affiant contacted SA Saltar to inquire about details associated with where the files were found. SA Saltar recalled the image and video files found on a folder on R.G.'s phone title "Fun". No other identifiable information was provided about how the images were received or where they originated from.

22. On June 8, 2022, a member of the FBI conducted open source database checks and found telephone number [REDACTED] was associated with Telegram account user @Kglora, Full Name: K9 Zora, and Snapchat account user: anobodyf21, Display Name;

A_Nobody_From_Nowhere. On the same date, your affiant contacted SA Saltar and requested he review R.G.'s devices for a username similar to that of Telegram and/or Snapchat. SA Saltar identified a Wickr contact on R.G.'s phone: anybodyfnowhere. There were no chats located on R.G.'s device with that user.

CONCLUSION

23. Based upon the facts set forth above, I submit that probable cause exists to believe MICHAEL NICHOLAS COVEY, has violated Title 18, United States Code, Sections Title 18, United States Code, § 2251(a). Title 18, U.S.C. § 2251(a) provides that any person who employs, uses, persuades, induces, entices, or coerces, or attempts to do so, any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in or affecting interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, shall be punished as provided under subsection (c), if such person knows or has reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed.

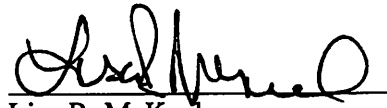
FURTHER YOUR AFFIANT SAYETH NOT.



Stacey A. Sullivan
Special Agent
FBI Child Exploitation Task Force
Federal Bureau of Investigation

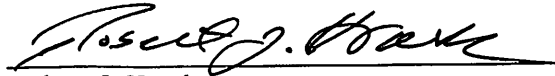
This affidavit has been reviewed for legal sufficiency by Assistant United States Attorney Lisa R. McKeel.

Reviewed:



Lisa R. McKeel
Assistant United States Attorney

Subscribed and sworn to before me this 10th day of June 2022, in the City of Norfolk, Virginia.



Robert J. Krask
UNITED STATES MAGISTRATE JUDGE